



YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

Procedure No. YCC 200-3	Subject: CONTRIBUTION FOR COST OF CARE
Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 1 of 16
Applicable ACA Standards: 2-7061	Revision Date: 01-09-06, 11-23-07, 01-06-09
Signature: /s/ Karen Duncan	Effective Date: 02-10-04
Signature: /s/ Steve Gibson	

I. BUREAU DIRECTIVE:

The Regional Administrative Officers (RAOs) shall collect financial information regarding the parents/guardians of a youth for whom the Youth Placement Committee has recommended an out-of-home placement. The Department of Corrections requires language in the disposition order committing the youth to DOC for placement in a secure facility or the Youth Court to contain language ordering parents/guardians to prepare a financial affidavit and to pay for all or part of the placement costs. The amount of the cost-of-care contribution for a parent/guardian will be calculated using the Montana Automated Child Support Guidelines. RAOs have authority to make adjustments in calculations of cost of care for families in order to achieve equitable contributions. RAOs should use the "Notes" feature to document the basis of the data used as well as to justify adjustments. The cost-of-care contribution is calculated based only on the income of the biological parent(s), adoptive parent(s), or legal guardian(s). This procedure will be reviewed annually and updated as needed.

II. DEFINITIONS:

CAPS - Child and Adult Protective Services, the online statewide management system maintained by DPHHS. CAPS will be referenced as the vehicle through which payments will be made for out-of-home placements and/or for services provided to the youth.

Conformed Copy - an exact copy of a document filed with a court. To conform a copy, the court clerk will stamp the document with the filing date and add any handwritten notations to the document that exist on the original, including dates and the judge's signature. A conformed copy may or may not be certified.

Cost-of-Care Contribution - a monthly cost of care amount determined by the District Youth Court to be appropriate based on the financial information submitted by the parents of youth committed to the DOC or Youth Court and placed out of the home.

CSED - the Child Support Enforcement Division of the Department of Public Health and Human Services.

DPHHS – Department of Public Health and Human Services for the State of Montana.

Financial Affidavit - the Montana Department of Corrections Financial Affidavit for cost-of-care contributions used to obtain financial information from a youth's parent(s) or guardian(s).

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 2 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

Guardian – an adult who is either the parent or another individual to whom the court has granted guardianship. Legal custody does not equate to guardianship

Individual Parent - one parent of a youth who does not maintain a common household with the youth's other parent.

Intact Family or Household - a family or household in which both parents of the youth (natural or adoptive) reside, and take joint responsibility for maintaining the family or household.

MISTICS - the Department of Labor Information system that contains wage and unemployment benefits data.

Montana Automated Child Support Guidelines - the Windows-based automated calculation worksheet used to determine contributions for cost of care.

Order for Cost-of-Care Contribution - the order issued by Youth District Court requiring parent(s) or guardian(s) to contribute toward the cost of out-of-home placements for youth. [[41-5-1525 \(2\), MCA](#)]

Parent - the natural or adoptive parent, but does not include a person whose parental rights have been judicially terminated, nor does it include the putative father of an illegitimate youth unless the putative father's paternity is established by adjudication or by other clear or convincing proof. [[41-5-103 \(30\), MCA](#)]

Poverty Level - the gross income standard established by the federal government by which eligibility for public assistance is determined.

SEARCHS - the CSED recordkeeping system for child support.

Shelter Care Facility - a physically unrestricted facility for the temporary substitute care of youth. [[41-5-103\(38\), MCA](#)]

SOLA - standard of living allowance.

Substitute Care - full-time care of youth in a residential setting for the purpose of providing food, shelter, security and safety, guidance, direction, and, if necessary, treatment to youth who are removed from or are without care and supervision. [Refer to [41-5-103 \(41\), MCA](#)]

TEAMS - the DPHHS economic assistance management system.

Youth - an individual aged 10 through 17 who has been court-ordered to the Department of Corrections for placement into a secure care facility

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 3 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

Youth Care Facility - a facility that is licensed by DPHHS, or by the appropriate licensing authority in another state, in which substitute care is provided to youth. The term includes youth foster homes, youth group homes, child-care agencies, transitional living programs and youth assessment centers. [[52-2-602 \(10\), MCA](#)]

Youth Court Services - the juvenile probation office for the respective judicial district.

Youth Placement Committee (YPC) – a committee established in [41-5-121, MCA](#) through [41-5-125, MCA](#) assembled in each judicial district for the purpose of recommending an appropriate placement of a youth referred to the youth court or to the department and periodically reviewing out-of-home placements as required by law.

III. PROCEDURES:

A. Initial Action

After a youth has been recommended by YPC for substitute care, or for placement at a state youth correctional facility, for a period of more than three months, the RAO will begin collecting personal and financial information regarding the youth's parents/guardians.

1. Obtain parent/guardian marital status, address, and telephone number from documents in the YPC packet, Youth Court Services records, or by other appropriate means. Determine whether either parent is paying child support to a custodial parent by checking the SEARCHS database. If child support is being collected via CSED, alert the CSED caseworker via email that the youth is expected to be in a Youth Court or DOC placement and when that placement is likely to begin.
2. Send parent/guardian a [Financial Affidavit \[YCC 200-3 \(A\)\]](#) along with a [Notice Concerning Financial Support Letter \[YCC 200-3 \(B\)\]](#). Specify a return date approximately 10 working days from the date of the notice.
3. If the Financial Affidavit is not returned by the specified date, mail a [Second and Final Notice Letter \[YCC 200-3 \(C\)\]](#) allowing an additional 10 working days for return.
4. If there is still no response or return of the Financial Affidavit, the RAO should proceed to calculate the cost-of-care contribution by imputing income using (a) the current minimum wage; (b) income from MISTICS; or (c) income from other sources.

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 4 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

5. Using the Montana Automated Child Support System, follow the procedures noted below to determine the appropriate contribution, using information gathered as described in Paragraph 4 above.
6. Enter parent/guardian name, address, applicable dates and other information as it becomes available on the Parents Form in the Access fiscal database.

B. Calculating Cost-of-Care Contribution

1. Individual Parent
 - a. General:
 - i. *User Reference* – Use the youth’s last name followed by an underscore and an “F” for father or an “M” for mother to indicate calculations being done for the parents individually. (You may need to include the first name if there is more than one youth with the same last name.) If a legal guardian is involved instead of parents, use the youth’s last name followed by an underscore and “LG.”
 - ii. *Cause/Case Number* – the identifying number for the youth’s cause from court documents (generally: DJ-YY-##).
 - iii. *Parent’s Name* – place the parent’s name in the Parent’s Name box.
 - b. Child Information/Costs:
 - i. *DOB/Delete* – list only the youth who has been committed to DOC for placement in a secure facility or Youth Court.
 - ii. *Select Days* – always enter 365 parenting days in the box under *State* even though the youth may be placed for less than 365 days. The program calculates an annual contribution, but the parent is not liable for the full annual amount; the parent is only liable for the monthly contribution as it accrues and only for the number of months/days the youth is in placement.
 - iii. *Daycare/Other*
 - a) There should be no daycare costs for the committed youth.
 - b) *Annual Other Child Costs* (Other costs for child, not other child costs)--
 - 1) Enter as a negative figure half of the primary need amount (which changes annually) for *Annual Other* in the box under *State*. (Currently this is the only way to accurately reflect the amount for which the individual parent is responsible.)
 - 2) There should be no other costs regarding the youth.
 - iv. *Health*

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 5 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

- a) *Child Health Insurance* - enter the portion of the annual premium for the youth's coverage in the box under *Parent*. (Leave blank if there is no health insurance coverage.)
 - b) *Child, Other Medical* – enter the parent's recent out-of-pocket medical expenses for the youth in the box under *Parent*.
- c. Parents Income – Enter in the column under *Parent*:
 - i. *Wages, Salaries, Commissions* – the parent's annual income as determined from pay stubs, tax returns, or MISTICS.
 - ii. *Self-employment Net Earnings* – the parent's gross revenue less legitimate expenses for self-employed enterprises.
 - iii. *Pensions, Social Security* – the parent's retirement or disability income.
 - iv. *Unearned Income* – income from investments.
 - v. *Imputed Income* – other than actual known income, income attributed to what the parent could or should be earning based on the state minimum wage if the parent has no occupation or it is unknown, or based on the Information Wage Rates for Private Sector Occupations if the parent's occupation is known.
 - vi. *Other Taxable Income* – tips as shown on the parent's W-2 or as reported by the parent.
 - vii. *Other Non-taxable Income* – insurance proceeds or inheritance.
- d. Deductions:
 - i. *Tax Information*
 - a) There should be no annual childcare costs for the youth, nor should a dependent care tax credit be claimed.
 - b) Enter the number of personal exemptions the parent will claim for the next tax-reporting period in the box under *Parent*. Note: Any numbers generated by the program under *State* may be deleted.
 - c) Check off the marital status of the parent.
 - ii. *More Tax Information*
 - a) *Amount of Earned Income* (for the Earned Income Credit) automatically defaults to the parent's earned income from *Parent's Income*. If the parent is married, add the spouse's annual income to this amount.
 - b) *Number of Qualifying Children* (for the Earned Income Credit) – enter "1" in the box under *Parent* if the youth has lived in the parent's home for at least six months of the year. Note: The credit is given for children up to the age of 18, and the youth does not need to be listed as a dependent on the parents' return.

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 6 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

- c) *Number of Children NOT of this Computation that will be Claimed for Earned Income Credit* – enter the number of other children of the parent, in the box under *Parent*, who are under 18 years old and who have lived with the parent for at least six months of the year.
- iii. *Still More Tax Information*
 - a) *Number of Qualifying Children of this Computation* – enter a “1” in the box under *Parent* if the youth is under 17 years old and is listed as a dependent on the parent’s tax return; otherwise leave blank.
 - b) *Number of Children NOT of this Computation* – enter the number of other children, in the box under *Parent*, who qualify pursuant to the age criteria.
 - c) Identify railroad employees.
- iv. *Other Deductions* – All entered in the column under *Parent*
 - a) *Court Ordered Support (for OTHER children)* – enter the total annual amount of child support paid for other children.
 - b) *Number of OTHER Children for Allowance* – enter **double** the number of other children of the parent in the parent’s household. (It is necessary to double the number of other children because otherwise only half the allowance is used in the calculation.)
 - c) *Court Ordered Alimony/Spousal Support* – enter the annual amount.
 - d) *Court Ordered Health Insurance Premium for OTHER Children* – enter the amount from the financial affidavit.
 - e) *Mandatory Retirement Contributions (after tax)* – enter annual mandatory retirement contributions from pay stubs.
 - f) *Mandatory Deferred Compensation (before tax)* – enter annual mandatory 401(k) savings plan contributions from pay stubs.
 - g) *Required Employment Expense* – enter the annual amount of such required expenses, such as uniforms, gloves, tools, etc.
 - h) *Dependent Care Expense for OTHER Children* – enter the annual amount of daycare expenses for the parent’s other children.
 - i) *For Day Care Tax Credit, Number of OTHER Children* – enter the number of the parent’s other children for whom the parent will receive the daycare tax credit.
 - j) *Other Deductions* – enter the total annual amount of other out-of-pocket expenses such as extraordinary unreimbursed medical expenses of the parent or other children,.

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 7 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

- v. *Tax Computation* – the tax amounts are automatically calculated and should be overridden only if the parent’s income has or will change dramatically.
 - e. Adjustments – all entered in the column under *Parent*:
 - i. *Annual Mileage Driven to Exercise Long-distance Parenting* – must be more than 2,000 miles per year.
 - ii. *Annual Cost of Transportation by Means other than Automobile* – estimated annual airfare costs.
 - iii. *Other SOLA Adjustment* – entered at RAO’s discretion, but supported by reasonable justification and should not be used except under extraordinary circumstances.
 - iv. *Adjustments to Personal Allowance* – there should be no adjustments.
 - f. Bottom Line – Automatically calculated annual and monthly cost-of-care contributions.
2. Intact Family
- a. General:
 - i. *User Reference* – use the youth’s last name (include first name if there is more than one youth with the same last name).
 - ii. *Cause/Case Number* – the identifying number for the youth’s cause from court documents (generally: DJ-YY-##).
 - iii. *Parent’s Name* – place both parents’ names in the Parent’s Name box.
 - b. Child Information/Costs:
 - i. *DOB/Delete* – list only the youth who has been committed to the DOC or to Youth Court. Exception: four or more children would require additional deduction computation.
 - ii. *Select Days* – always enter 365 parenting days in the box under *State*. (Even though the youth may be placed for less than 365 days, this is equitable because the program calculates an annual contribution, but the parent is not liable for the full annual amount. The parents are only liable for the monthly contribution as it accrues and only for the number of months/days the youth is in placement.)
 - iii. *Daycare/Other*
 - a) There should be no daycare costs for the committed youth.
 - b) There should be no other costs regarding the youth.
 - iv. *Health*
 - a) *Child Health Insurance* - enter the portion of the annual premium for the youth’s coverage in the box under *Parent*. (Leave blank if there is no health insurance coverage.)

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 8 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

- b) *Child, Other Medical* – enter the parents’ recent out-of-pocket medical expenses for the youth in the box under *Parent*.
 - c. Parents’ Income – enter in the column under *Parent*:
 - i. *Wages, Salaries, Commissions* – combine the parents’ annual income as determined from pay stubs, tax returns, or MISTICS.
 - ii. *Self-employment Net Earnings* – the parents’ gross revenue less legitimate expenses for self-employed enterprises.
 - iii. *Pensions, Social Security* – the parents’ retirement or disability income.
 - iv. *Unearned Income* – income from investments.
 - v. *Imputed Income* – other than actual known income, income attributed to what the parent could or should be earning based on the state minimum wage if the parents have no occupation, or they are unknown; or based on the Information Wage Rates for Private Sector Occupations if the parents’ occupations are known.
 - vi. *Other Taxable Income* – tips as shown on the parents’ W-2 or as reported by the parents.
 - vii. *Other Non-taxable Income* – insurance proceeds or inheritance.
 - d. Deductions:
 - i. *Tax Information*
 - a) There should be no annual childcare costs for the youth, nor should a dependent care tax credit be claimed.
 - b) Enter the number of personal exemptions the parents will claim for the next tax-reporting period in the box under *Parent*. (Note: Any numbers generated by the program under *State* may be deleted.)
 - c) Check off “Married” as the marital status of the parents.
 - ii. *More Tax Information*
 - a) *Amount of Earned Income* (for the Earned Income Credit) - automatically defaults to the parents’ earned income from *Parent’s Income*
 - b) *Number of Qualifying Children* (for the Earned Income Credit) – enter “1” in the box under *Father* if the youth has lived in the parent’s home for at least six months of the year. Note: The credit is given for children up to the age of 18, and the youth does not need to be listed as a dependent on the parents’ return.
 - c) *Number of Children NOT of this Computation that will be Claimed for Earned Income Credit* – enter the number of other children of the parents, in the box under *Parent*, who are under 18 years old and who have lived with the parents for at least six months of the year.

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 9 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

- iii. *Still More Tax Information*
 - a) *Number of Qualifying Children of this Computation* – enter a “1” in the box under *Parent* if the youth is under 17 years old and is listed as a dependent on the parents’ tax return; otherwise leave blank.
 - b) *Number of Children not of this Computation* – enter the number of other children, in the box under *Parent*, who qualify pursuant to the age criteria.
 - c) Identify railroad employees.
- iv. *Other Deductions – All entered in the column under Parent*
 - a) *Court Ordered Support (for OTHER children)* – there should be no court ordered support unless one parent adopted the youth and supports children from a previous marriage. Enter the total annual amount of child support paid for other children.
 - b) *Number of OTHER Children for Allowance* – enter **double** the number of other children of the parents in the parents’ household. (It is necessary to double the number of other children because otherwise only half the allowance is used in the calculation.)
 - c) *Court Ordered Alimony/Spousal Support* – there should be no court ordered support unless one parent adopted the youth subsequent to a previous marriage. Enter the annual amount.
 - d) *Court Ordered Health Insurance Premium for OTHER Children* – enter the amount from the financial affidavit.
 - e) *Mandatory Retirement Contributions (after tax)* – enter the combined annual mandatory retirement contributions from pay stubs.
 - f) *Mandatory Deferred Compensation (before tax)* – enter the combined annual mandatory 401(k) savings plan contributions from pay stubs.
 - g) *Required Employment Expense* – enter the combined annual amount of required expenses, such as uniforms, gloves, tools, etc.
 - h) *Dependent Care Expense for OTHER Children* – enter the annual amount of daycare expenses for the parents’ other children.
 - i) *For Day Care Tax Credit, Number of OTHER Children* – enter the number of the parents’ other children for whom the parents will receive the day care tax credit.

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 10 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

- j) *Other Deductions* – enter the total annual amount of other out-of-pocket expenses such as extraordinary medical expenses for the parents or other children.
- v. *Tax Computation* – the tax amounts are automatically calculated and should be overridden only if the parents’ income has or will change dramatically.
- e. Adjustments – all entered in the column under *Parent*:
 - i. *Annual Mileage Driven to Exercise Long-distance Parenting* – must be more than 2,000 miles per year.
 - ii. *Annual Cost of Transportation by Means other than Automobile* – estimated annual airfare costs.
 - iii. *Other SOLA Adjustment* – entered at the RAOs discretion but supported by reasonable justification.
 - iv. *Adjustments to Personal Allowance* – the personal allowance should be adjusted to 170% of the poverty level for a household of two.
- f. Bottom Line – automatically calculated annual and monthly cost-of-care contributions.

C. Contribution Exemptions

RAOs may exempt parents/guardians from contributing toward the cost of care under certain circumstances as outlined below. RAOs must petition to have the court grant any exemptions pursuant to [41-5-1525\(4\)\(b\), MCA](#).

1. Financial ability to contribute – if the monthly contribution amount is less than twenty dollars (\$20.00) as calculated by the Montana Automated Child Support Guidelines, the parent/guardian is exempt from contributing toward the cost of care.
2. Social Security Disability Income – if the parent(s)’ sole source of income is SSDI, the parent/guardian is exempt from contributing toward the cost of care. This would be an indicator that the parent is physically or mentally disabled to the extent that they cannot earn income.
3. Student – if a one-half to full-time student in a course of study designed to better the parent/guardian economic situation, the parent/guardian is exempt from contributing toward the cost of care while in school.
4. Unusual circumstances – if (a) unusual emotional and/or physical needs of a legal dependent require the parent/guardian’s presence in the home full time, or (b) the parent/guardian has made diligent efforts to find and accept suitable work or to return to customary self-employment to no avail, the parent/guardian is exempt

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 11 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

from contributing toward the cost of care. RAOs should consider these circumstances carefully and obtain appropriate documentation from parents supporting the unusual circumstances.

5. Payment of inpatient chemical dependency treatment – if the parent/guardian paid out of pocket for at least half of a youth’s inpatient chemical dependency treatment, the parent/guardian is exempt from contributing toward the cost of care, but only while the youth is placed at a group home designed as a transitioning half-way house for chemically dependent youth.
6. Legal guardians – if the guardians became legal caretakers for the youth after the youth offended, or it was known the youth was troubled and the legal guardians were not primarily responsible for the youth’s pre-adolescent environment and supervision, the legal guardians are exempt from contributing toward the cost of care.

D. Notification of Calculation

1. Once a cost-of-care contribution is calculated and before (or at the same time) an Order for Cost-of-Care Contribution is requested from Youth Court, RAO’s shall send to the parent(s) copies of the Montana Child Support Guidelines Worksheet A and Notes, together with a [Notification of Contribution Letter \[YCC 200-3 \(D\)\]](#) describing how the Montana Child Support Guidelines calculated the contribution.
2. The *Notification of Contribution Letter* does not request a response from the parent(s), nor is it necessary for the RAO to wait for a response before requesting an Order for Cost-of-Care Contribution from the Youth Court, unless the RAO agreed with the parent(s) to wait for a response, or the RAO expects the parent(s) to object to the calculation.
3. Should it be determined that no cost-of-care contribution is to be assessed, the RAO shall send a [Notification of No Contribution Letter \[YCC 200-3 \(E\)\]](#).

E. Motions & Orders for Cost of Care

1. RAOs may obtain an Order for Cost-of-Care Contribution through the Clerk of Court, county attorney, or through the youth court services office (usually for smaller, more informal counties). Individual courts may require varying language or format of court orders. Include the following when making a motion to the court for an order for cost-of-care contribution:
 - a. [Order Request Letter \[YCC 200-3 \(F\)\]](#)
 - b. [Motion for Cost-of-Care Contribution \[YCC 200-3 \(G\)\]](#)

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 12 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

- c. Prepared Order for Cost-of-Care Contribution, as appropriate
- d. [Order for Cost-of-Care Contribution for Individual Parent \[YCC 200-3 \(H\)\]](#)
- e. [Order for Cost-of-Care Contribution for Intact Family \[YCC 200-3 \(I\)\]](#)
- f. [Order for Cost-of-Care Contribution for Exempt Parent \[YCC 200-3 \(J\)\]](#)

NOTE: In some instances, it may be necessary to contact the Department's legal counsel when making a motion to the court for an Order for Cost-of-Care Contribution.

- 2. The actual date the court will sign the Order for Cost-of-Care Contribution and the date it will be received by the RAO cannot be known, but the RAO should follow-up with the appropriate party if the Order for Cost-of-Care Contribution is not received within a reasonable time.
- 3. When the conformed Order for Cost-of-Care Contribution is received from the court, enter the date of the order and the date it was received on the Parents Form in the fiscal database.
- 4. Upon receipt of a signed Order for Cost-of-Care Contribution, mail a copy to the parent(s) with the [Order for Cost-of-Care Contribution Letter \[YCC 200-3 \(K\)\]](#). Establish an initial payment due date. Enter the appropriate dates and contribution amount in the fiscal database.

F. Modifying Orders for Cost-of-Care Contribution

The RAO may be notified by the parent/guardian that his/her financial situation has changed, or such information may be received from other sources. A modified Order for Cost-of-Care Contribution reducing or increasing the cost-of-care contribution should be obtained from Youth Court if, in the RAO's opinion, the financial situation of the parent/guardian has changed enough to warrant a modification. Note: CSED modifies orders when the increase or decrease is at least 15%.

- 1. After receiving corroborating documentation, recalculate the cost-of-care contribution based on the new information.
- 2. If, in the RAO's estimation, the difference between the original calculation/order and the recalculation is significant, a Modified Order for Cost-of-Care Contribution may be obtained.
- 3. Prepare a [Modified Order for Cost-of-Care Contribution \[YCC 200-3 \(L\)\]](#) and submit it to Youth Court (or appropriate party) along with a cover letter explaining why a Modified Order is being requested.

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 13 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

4. Upon receipt of a signed Modified Order for Cost-of-Care Contribution, mail a copy to the parent/guardian along with a cover letter establishing the effective date of the modified amount. Include a copy of the invoice from the fiscal database to show the updated balance due.

G. Alternative Payment Agreements

At the request of a parent/guardian, the RAO may enter into an agreement whereby the monthly payment is reduced but the established contribution amount continues to accrue. Each instance should be evaluated on a case-by-case basis, and it is suggested that the reduction not be more than half the established contribution. If a reduction in the parent/guardian monthly payment is granted, a [Letter of Payment Agreement \[YCC 200-3 \(M\)\]](#) should be sent to the parent/guardian verifying and clarifying the arrangement. The parent/guardian should sign, date and return the Letter of Payment Agreement to the RAO, who will sign and date it, then forward a fully executed copy to the parent/guardian. The original Letter of Payment Agreement should be placed in the youth's file.

H. Monitoring Contributions

1. Monitoring current contributions.
 - a. Preferably monthly, or at the very least quarterly, review the status of cost-of-care contributions in the fiscal database. The invoice form in the fiscal database calculates the balance due based on placement days and total amount paid. As parents/guardians get close to meeting their full obligation, it is essential to monitor status monthly so as to avoid overpayments and having to reimburse funds. This is particularly important in the case of parents/guardians who are paying via income withholding orders.
 - b. In many instances, an arrears balance will remain due to either delinquent payments or a reduced payment arrangement, and cost-of-care contributions will be received months past the youth's 18th birthday or the date they were returned home. If the youth has returned home and there is an arrears balance, the RAO should continue to send monthly invoices until the entire balance is paid in full.
 - c. Reconcile individual contribution totals to CAPS, including any expenses generated, as per procedure [YCC 200-2](#).
 - d. Once the parent/guardian has met his/her obligation, mail a [Termination Letter \[YCC 200-3 \(N\)\]](#) explaining they are no longer required to submit a contribution. (If the youth enters a subsequent placement at a later date, the Order for Cost-of-Care Contribution can be reinstated [\[YCC 200-3 \(O\)\]](#) or new cost-of-care calculation completed, depending on the length of time between placements.)

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 14 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

2. Identification of delinquent contributions.

- a. If it is found that a parent/guardian is three months delinquent, prepare and mail a [Dunning Letter \[YCC 200-3 \(P\)\]](#). Include a specific date by which the parent must contact the RAO for an alternative arrangement or expected payment. Clearly state the consequences if contact is not made or the payment is not received on time.
- b. If contact is not made and/or payment is not received, the RAO may use his/her discretion to send additional dunning letters, pursue an order re contempt of court or an order for income withholding, or refer the parent/guardian to the State Department of Revenue to intercept any tax refund that may be owing to the parent/guardian.

3. Uncollectible arrears for cost of care.

- a. After all efforts to collect cost-of-care contributions from a youth's parent/guardian have been exhausted, whether or not the youth has been released from his/her commitment to DOC or the Youth Court, at the RAOs discretion, the parent/guardian may be referred to the State Department of Revenue for interception of his/her tax refund.
- b. When a youth has reached the age of 18 and the balance owing on a related cost-of-care order is \$50 or less, the RAO may write off the balance by checking the "Uncollectible" box on the Database Parent Form. The RAO then should follow the procedure for obtaining a satisfaction of judgment. (Refer to Section IV.I. below.)
- c. Should the parent/guardian who has been court ordered to pay a cost-of-care contribution die prior to paying the balance of such a debt, the RAO has the discretion to write off the remaining amount as described in the preceding paragraph. Alternatively, the RAO may file a creditor's claim with the deceased estate in an attempt to collect the balance due. (Refer to Section IV.J. below.)
- d. The RAO should document in the file and note field of the fiscal database any decisions related to these issues.

I. Closing Out Court-ordered Cost-of-Care Contributions

After a youth has reached the age of majority and the cost-of-care contribution for the youth has been paid in full, the RAO shall remove any liens the Order for Cost-of-Care Contribution may have created.

1. When the youth reaches the age of 18, the RAO will determine if the cost-of-care contributions are paid in full as reflected in the fiscal database.

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 15 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

2. If the contributions are paid in full, the RAO will complete a [Satisfaction of Judgment \[YCC 200-3 \(Q\)\]](#) and file it with the youth court clerk of court.
3. The RAO will send a conformed copy of the Satisfaction of Judgment to the parent/guardian and place one in the youth's file.
4. In cases where cost-of-care contributions at one time were collected by CSED and the amount due has been paid in full, the RAO should follow the procedures outlined in this section to obtain a Satisfaction of Judgment.

Although this procedure is intended for parents whose children are no longer in the juvenile system, the RAO should use his/her judgment in filing a Satisfaction of Judgment in connection with cases where the cost-of-care contribution is paid in full, but the youth is not yet 18 years old. For instance: Youth adjudicated in County A; cost-of-care contribution paid in full, youth still only 16 years old, but subsequently adjudicated in County B – Satisfaction of Judgment should be filed in County A; new Order for Cost-of-Care Contribution should be established in County B. For instance: Youth placed at 12 years old and released when 13 years old; cost-of-care contribution is paid in full; no further placements for three years when youth is 16 years old – RAO might want to consider releasing the lien since the parent's circumstances may have changed and the order would have to be modified anyway if the youth is placed again.

J. Creditor's Claims

Should a parent/guardian die before satisfying his/her obligation under a cost-of-care contributions order and a probate has been opened in the estate, it may be possible to collect the balance owing from the decedent's estate. The RAO may file a [Creditor's Claim \[YCC 200-3 \(R\)\]](#) in the probate action within four months of the date of the estate's first publication of a Notice to Creditors. (Section [72-3-801, MCA](#)) Because it may be difficult to know when the Notice was published, it is good practice to file the Creditor's Claim immediately on determining that a probate has been opened in the estate. It may be necessary to contact the court's probate clerk (in the county where the decedent resided) periodically to determine if/when the estate has been opened.

IV. CLOSING:

Questions concerning this procedure shall be addressed to the Financial and Program Services Supervisor.

V. REFERENCES:

[37-62-101, ARM](#) [Montana Child Support Guidelines](#)

Procedure No.: YCC 200-3	Chapter 200: FINANCIAL & PROGRAM SERVICES	Page 16 of 16
Subject: CONTRIBUTION FOR COST OF CARE		

[41-5-1525, MCA](#)

[Contribution for Costs – Order for Cost-of-Care Contribution – Exceptions - Collection](#)

VI. ATTACHMENTS:

[YCC 200-3 \(A\) Financial Affidavit](#)

[YCC 200-3 \(B\) Notice Concerning Financial Support Letter](#)

[YCC 200-3 \(C\) Second and Final Notice](#)

[YCC 200-3 \(D\) Notification of Contribution Letter](#)

[YCC 200-3 \(E\) Notice of No Contribution Letter](#)

[YCC 200-3 \(F\) Order Request Letter](#)

[YCC 200-3 \(G\) Motion for Cost-of-Care Contribution](#)

[YCC 200-3 \(H\) Order for Cost-of-Care for Individual Parent](#)

[YCC 200-3 \(I\) Order for Cost-of-Care for Intact Family](#)

[YCC 200-3 \(J\) Order for Cost-of-Care for Exempt Parent](#)

[YCC 200-3 \(K\) Order for Cost-of-Care Letter](#)

[YCC 200-3 \(L\) Modified Order for Cost-of-Care](#)

[YCC 200-3 \(M\) Letter of Payment Agreement](#)

[YCC 200-3 \(N\) Termination Letter](#)

[YCC 200-3 \(O\) Reinstatement Letter](#)

[YCC 200-3 \(P\) Dunning Letter](#)

[YCC 200-3 \(Q\) Satisfaction of Judgment](#)

[YCC 200-3 \(R\) Creditor's Claim](#)